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Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas

Report of the Secretary-General

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I. INTRODUCTION

1. At its forty-seventh session, the General Assembly, in its decision 47/443 of 22 December 1992, took note with appreciation of the report of the Secretary-General (A/47/487) and requested the Secretary-General to submit to the General Assembly at its forty-eighth session a further report on the implementation of its resolution 46/215 of 20 December 1991.

2. In accordance with decision 47/443, the Secretary-General sent a note verbale to all members of the international community, drawing their attenticn to resolution 46/215. Letters were also addressed to intergovernmental and non-governmental organizations as well as well-established scientific institutions with expertise in relation to living resources.

3. The Secretary-General has received a number of responses and submissions from States, intergovernmental and non-governmental organizations and scientific organizations, which have been taken into account in the preparation of the present report. He wishes to express his appreciation for all the contributions.

4. The present report is submitted to the General Assembly in response to the request contained in decision 47/443.

II. ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS

5. The International Commission for the Conservation of Atlantic Tunas (ICCAT) reported that General Assembly resolution 46/215 was included in the basic documentation presented by the ICCAT Executive Secretary to the Eighth Special Meeting of the Commission, held at Madrid in November 1992. At the meeting, the Executive Secretary presented document COM-SCRS/92/18, which reviewed the measures adopted by the United Nations General Assembly and those adopted by the contracting parties regarding large-scale pelagic drift-net fishing on the high seas, and noted that 31 December 1992 was the deadline for the discontinuation of fishing operations using that gear.

6. In its submission of 28 April 1993 to the Secretary-General, the Commission of the European Communities reported that the Council of Ministers of the European Economic Community (EEC) had decided, on 27 January 1992, to prohibit fishing vessels to carry on board or to fish with one or more drift-nets whose individual or cumulative length is greater than 2.5 km. 1/ The limitation is applicable to any fishing vessel flying the flag of or registered in a member State and applies to all waters falling within the sovereignty or jurisdiction of the member States of EEC, as well as to the high seas. In addition, other technical conditions were adopted to avoid the loss of nets during fishing operations.

7. The Commission stated, however, that the limitation did not apply to the waters of the Baltic, the Belts and the Oressund, where the rules of the International Baltic Sea Fisheries Commission were in force. An exemption was also authorized to vessels fishing for albacore tuna in the North-East Atlantic, allowing them to use drift-nets each unit of which may be no longer than 2.5 km and whose total overall length was not greater than 5 km. These vessels were

subject to certain complementary conditions of fishing. The exemption would cease on 31 December 1993 unless the Council of Ministers of EEC decided to extend it in the light of scientific evidence showing the absence of any ecological risk.

8. The North-West Atlantic Fisheries Organization (NAFO) reported that United Nations resolutions concerning large-scale pelagic drift-net fishing were endorsed by the members of NAFO and that large-scale pelagic drift-net fishing was not currently practised in the NAFO Convention Area.

9. The North Pacific Anadromous Fish Commission (NPAFC), established by the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean which came into force on 16 February 1993, and which replaced the North Pacific Fisheries Commission, indicated that it did not currently have any information concerning activities or conduct inconsistent with the terms of General Assembly resolution 46/215.

10. The International Maritime Organization (IMO) stated that IMO had no information regarding large-scale pelagic drift-net fishing as referred to in resolution 46/215.

11. In its response of 9 June 1993, the Organisation for Economic Co-operation and Development (OECD) indicated that at its sixty-sixth session from 26 to 28 September 1990, the OECD Committee for Fisheries took note of General Assembly resolution 44/225 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas. The Committee supported its implementation and confirmed that decision in a subsequent letter to the United Nations. Since then the Committee has not directly reverted to the issue of large-scale pelagic drift-net fishing.

12. However, OECD noted that, since the question of fishing on the high seas had been given increased international attention lately through the Cancun Conference on Responsible Fishing and the United Nations Conference on Environment and Development, in Rio de Janeiro, General Assembly resolution 44/225 on large-scale drift-net fishing and its impact on the living marine resources of the world's oceans and seas could be seen as one of the first efforts towards international agreement on responsible fisheries on the high seas.

13. The International Council for the Exploration of the Sea (ICES) reported on 22 June 1993 to the Secretary-General that ICES member countries that had replied to the Council indicated that they were unaware of any activities by their nationals in the ICES area that might be inconsistent with the terms of resolution 46/215.

14. In its submission of 23 June 1993 to the Secretary-General, the North Atlantic Salmon Conservation Organization (NASCO) reiterated that NASCO was unaware of any large-scale pelagic drift-net fishing within the Convention area.

15. In its report of 25 June 1993 to the Secretary-General, the Food and Agriculture Organization of the United Nations (FAO) noted that, according to information from the General Fisheries Council for the Mediterranean (GFCM), some members of the Council were facing serious social constraints because of

the strict implementation of EEC regulation 245/92. None the less, the GFCM Committee on Fisheries Management was concerned about the transfer of drift-netters to those countries not bound by EEC regulation 245/92. GFCM believed that the risk of a transfer of the use of large-scale pelagic drift-nets from the North-West Mediterranean to the Southern Mediterranean was becoming a reality through joint venture arrangements between some European and North African fishermen.

16. FAO also informed the Secretary-General that, at the second GFCM/ICCAT Expert Consultation on Stocks of Large Pelagic Fishes in the Mediterranean Sea, held at Crete, Greece, in September 1992, it was reported by experts that drift gill-netting was still widely used in the Ligurian Sea and around Sardinia. It was noted that in those areas several fishing vessels deployed drift-nets in excess of 2.5 km in length, although those fisheries were of minor importance.

17. It was also reported at the GFCM/ICCAT Expert Consultation that France had only two drift/gill-net vessels in the Mediterranean Sea, with nets of about 3 km in length; Greece did not authorize the operation of drift/gill-net vessels, though it was noted in the report of the Expert Consultation that second-hand vessels with that gear were being obtained from Italy for possible deployment in Greek waters; Italy was the principal user of drift-nets in the Mediterranean Sea, but since 1 June 1992, EEC regulation 245/92 has been adopted by the national Government and some vessels have changed flags to circumvent the regulation; Spanish drift-netters fish primarily in the Atlantic Ocean, with about 10 per cent of fishing effort in the Mediterranean Sea in waters around Gibraltar; there was no drift-net fishing by vessels from Algeria and Cyprus; Morocco was finalizing an inventory of drift-net users with a view to setting up legislation in conformity with United Nations General Assembly resolutions; drift-nets were used in Tunisia to capture small tuna on the spawning migration, and drift-nets were deployed in Turkish waters, but catches were monitored.

18. FAO concluded that from the information available to it there had been a significant decline, since 1992, in the use of large-scale pelagic drift-nets in accordance with General Assembly resolution 46/215. There was also evidence that States and other political entities with large-scale pelagic drift-net fleet capacity had actively taken measures to reduce or eliminate that capacity. States had also sought to regulate the use of drift-nets to internationally agreed standards (i.e., with respect to net length and mode of deployment). However, some States were encountering difficulties in implementing and enforcing those standards.

19. FAO noted that the use of large-scale pelagic drift-nets was continuing in the Mediterranean Sea prior to 31 December 1992 and that this was a matter of grave concern, given the fragility of some fish stocks and the importance of the region for bluefin tuna in its juvenile stages.

20. In its response of 29 June 1993, the Intergovernmental Oceanographic Commission (IOC) indicated that IOC was not in a position to report on particular actions inconsistent with General Assembly resolutions on large-scale pelagic drift-net fishing.

21. In its report of 29 June 1993 to the Secretary-General, the United Nations Environment Programme (UNEP) submitted the following information concerning the global plan of action for the conservation, management and utilization of marine mammals (MMAP):

> "The MMAP, adopted by UNEP in 1984, is governed by a Planning and Coordinating Committee (PCC) composed of intergovernmental organizations (Inter-American Tropical Tuna Commission, IOC/United Nations Educational, Scientific and Cultural Organization, FAO) and non-governmental organizations (World Wildlife Federation, Greenpeace International, International Union for the Conservation of Nature and Natural Resources and International Fund for Animal Welfare). UNEP has functioned as the secretariat to the MMAP since 1985. Four meetings of the PCC have been convened since 1988. At its fifth meeting, held in Nairobi from 16 to 18 February 1993, the PCC agreed to the importance of General Assembly resolutions on large-scale pelagic drift-net fishing and its impact on living marine resources. It also expressed the view that the PCC should foster and maintain links with relevant organizations on this matter. The PCC agreed on the importance of establishing a world-wide registry of drift-net vessels as an appropriate step towards implementation of the resolutions. It was pointed out that drift-net vessels frequently change names, flags and registrations and that this complicates the establishment of a registry. The Secretary was requested to collate information from PCC members on drift-net vessel activities with a view to compiling a report."

22. The Forum Fisheries Agency (FFA) reported that over the past 12 months FFA had not received any reports of large-scale pelagic drift-net fishing in the South Pacific region. According to the Forum, it would appear that the distant water fishing nations have honoured their commitment to cease drift-net fishing.

23. In its reply of 30 June 1993 to the Secretary-General, the North-East Atlantic Fisheries Commission submitted the following information regarding the responses of the Commission's contracting parties:

> "ICELAND
>
> "Comments have been submitted direct via the Icelandic Permanent Mission to the United Nations.
>
> "NORWAY
>
> "Reiterates the comments passed to you in our letter of 29 June 1992, that regulation of large-scale pelagic drift-netting should be undertaken by regional fisheries bodies and not by large international organizations.
>
> "There is no large-scale pelagic drift-net fishing in Norwegian waters and Norwegian authorities have no knowledge of any vessels registered in Norway fishing with such nets on the high seas. Have no information about any other activities inconsistent with United Nations resolutions 45/197 and 44/225.

"SWEDEN

"No Swedish fishery activities are inconsistent with the terms of resolution 46/215. Swedish fishermen are not engaged in fisheries on the high seas adjacent to the Swedish economic zone. The Baltic Sea is a semi-enclosed sea, which is entirely under the different jurisdictions of the coastal States.

"Practically the only Swedish fishery carried out with drift-nets today is the salmon fishery. In the Kattegatt-Skagerrak area such a fishery no longer exists as all salmon fishing beyond 4 nautical miles is prohibited. In the Baltic area the number of drift-nets per vessel is restricted.

"To date the Commission secretariat has not received responses on this issue from Bulgaria, Denmark (on behalf of the Farões and Greenland), Poland, the European Economic Community or Russia."

24. In its response of 30 September 1993 to the Secretary-General, Canada submitted the following information:

"The Government of Canada has in its previous submissions expressed serious concern about the environmental impacts of high-seas drift-net fishing on salmon, marine mammals, sea birds and other sea life in the North Pacific Ocean. As a sponsor of the 1989, 1990 and 1991 United Nations drift-net resolutions, Canada is committed to the full and effective implementation of the global moratorium on large-scale pelagic drift-net fishing on the high seas in all regions. Canada urges all members of the international community to comply fully with resolution 46/215.

"The concept of sustainable development has been the basis of Canada's long-term policy of management of fish stocks both within and beyond its 200-mile zone. As a coastal State, Canada is not only committed but also obliged under the United Nations Convention on the Law of the Sea to ensure development and implementation of sound conservation policies for habitat and stocks from both within and beyond its own waters. Canada has worked with other countries to foster an international consensus on the application of the principles of sustainable development to the harvesting of living marine resources. The July 1993 United Nations Conference on Straddling Stocks and Highly Migratory Stocks supported international rules for high-seas fisheries, although some States continued to oppose binding rules. In Canada's view, an effective regime for high-seas fisheries is necessary to give practical effect to the principle of sustainable development on the high seas.

"In the North Pacific Ocean, Canada's main concerns relate to unauthorized salmon fishing and the impact of large-scale drift-nets on non-targeted species, including salmon and other fish, marine mammals and sea birds. It has been largely pirate Taiwanese vessels that conducted this fishery and laundered the catches through countries in the region where the raw product is frozen and canned for export to Europe, Australia and Japan. As a result of the United Nations global moratorium on large-scale high-seas drift-net fishing, which took effect on

1 January 1993, drift-net vessels have been withdrawn from the North Pacific Ocean by Japan, the Republic of Korea and Taiwan Province of China. This development is expected to result in a major decline in illegal salmon harvests and their sale in third countries.

"The illegal high-seas salmon catch and trade has been the focus of concerted international action. On 16 February 1993, Canada, together with Japan, the Russian Federation and the United States of America, brought into force the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, under which the parties agree to prohibit salmon fishing on the high seas of the North Pacific Ocean. The Convention establishes the North Pacific Anadromous Fish Commission (NPAFC), replacing the International North Pacific Fisheries Commission (INPFC). Also under the new Convention, fisheries for non-salmon species are to be conducted at times and in areas that would minimize by-catches of salmon; salmon by-catches are to be subjected to international control; and salmon by-catches cannot be retained.

"Canada has cooperated successfully with the United States of America, Japan and the Russian Federation in implementing the United Nations moratorium and the new North Pacific salmon conservation convention. Canada conducts surveillance flights by Department of National Defence long-range CP140 aircraft in areas of former large-scale high-seas drift-net fishing activity. The missions effectively monitor almost 750,000 square miles of the North Pacific Ocean using a highly sophisticated radar system on board. Information from the vessel sightings is communicated to the United States, Japanese and Russian patrol vessels for follow-up action. Information on illegal activity is also brought to the attention of the country in which the vessel in question is registered.

"During May 1993, four vessels with drift-net gear were sighted in the North Pacific Ocean. Canadian surveillance aircraft detected two vessels on the high seas of the western North Pacific Ocean equipped for large-scale drift-net fishing operations but not actively fishing. The vessels, the YINGYU 601 and YINGYU 602, were identified as belonging to the People's Republic of China. During the same time period, the United States Coast Guard was escorting a third drift-net vessel, the DAYUANYU 206, to its home port Shanghai. These vessels were later determined to be part of a Sino-Taiwanese cooperative venture company based in Guangdong Province. During May 1993, the Japan Fisheries Agency and the United States Coast Guard also sighted a Honduran-flagged vessel, which left the area before any boarding was possible. The People's Republic of China has issued new directives on implementing the United Nations moratorium. Canada appreciates the cooperation of the Government of the People's Republic of China in ensuring effective implementation of resolution 46/215. These sightings indicate both the success of the cooperative enforcement and the need for continued vigilance."

25. Canada is also working closely with the other major salmon-producing countries to ensure that any continuing trading in illegal salmon is stopped. Canada has held bilateral consultations with Thailand, Malaysia and Singapore. Thailand has agreed to curtail the purchase and export of illegally caught North Pacific salmon, while Malaysia and Singapore have notified their processors of

international concerns. Canada is pleased to note that in the past two years this trade has declined to its lowest level. As further reinforcement, the North Pacific Anadromous Fish Commission has agreed to cooperate in developing a certificate of harvest origin programme to curtail the trafficking in illegally caught Pacific salmon. Under such a scheme, the members of NPAFC could require, as a condition of importation, certificates from non-NPAFC member countries that trade in salmon, attesting that the salmon had been harvested under a recognized international fisheries conservation regime.

26. Canada's primary objective is to ensure that resolution 46/215 is implemented in a full and effective manner in all regions. Canada renews its call on all States and jurisdictions to ensure that their vessels and nationals comply fully with the terms of resolution 46/215. Governments should ensure that appropriate legal sanctions are applied in full to any interests that contravene laws or regulations prohibiting high-seas drift-net fishing. Canada calls on all members of the international community to remain vigilant and report evidence of activity inconsistent with resolution 46/215 to the Secretary-General and to the appropriate national, regional and international bodies. The international community also needs to ensure that the moratorium is not circumvented by reflagging of drift-net vessels or by drift-net fishing by "pirate" vessels. Canada requests the Secretary-General to continue to monitor compliance with resolution 46/215 and to prepare a further report on the subject for consideration at the forty-ninth session of the General Assembly.

III. REVIEW BY REGION

A. Pacific Ocean

27. In its submission of 12 November 1992 to the Secretary-General, in implementation of General Assembly resolution 46/215, the Republic of Korea reported that:

> "By the end of June 1992, the Republic of Korea had already reduced its fishing effort by 50 per cent in large-scale pelagic high-seas drift-net fishing. The following measures have been taken to achieve this progress:
>
> "1. A decrease in the number of fishing vessels in operation from 139 to 105.
>
> "2. A reduction in length of net from 50 km to 42.5 km.
>
> "3. A reduction of operation period; fishing operation is limited to the period from April to November. Previously, it had been allowed from April to December.
>
> "4. A reduction of fishing area; the area permitted for large-scale pelagic drift-net fishing has been substantially reduced to the zone within the geographical coordinates of 160 degrees east longitude, 160 degrees west longitude, 37 degrees north latitude and 46 degrees north latitude. Previously, the geographical coordinates for

specifying the area were 145 degrees west longitude, 160 degrees east longitude, 37 degrees north latitude and 46 degrees north latitude.

"By 31 December 1992, furthermore, the Republic of Korea will impose a complete moratorium on large-scale pelagic high-seas drift-net fishing. In order to achieve this goal, the Government of the Republic of Korea has allocated a sum of approximately 57 million United States dollars earmarked to help the fishing entities concerned to scrap or re-equip their vessels for alternative fishing methods or for other target species which do not require large-scale drift-net fishing. It is expected that, under this plan, of the 139 vessels in the Republic of Korea, 30 will be scrapped, while 109 are to be re-equipped for alternative fishing methods or engaged in catching other species. Once this plan has been put into effect, violators of the moratorium will be subject to legal action in accordance with relevant laws and regulations."

28. In its note of 14 September 1993 (KD/254/93), the Republic of Korea informed the Secretary-General that it "has completely suspended all large-scale pelagic high-seas drift-net fishing as of 30 November 1992 under the Fisheries Act, as amended on 23 March 1992, empowering the Government to take such action".

29. In its reply of 1 July 1993 to the Secretary-General, Japan submitted the following information on action taken by its Government to implement General Assembly resolution 46/215:

"1. The Government of Japan decided not to issue licences for large-scale pelagic drift-net fishing on or after 1 January 1993.

"2. It established a budget of 23.453 billion yen to compensate fishermen for the loss of income from such activities and promoted the scrapping of fishing vessels and disposal of fishing gear.

"3. It established an enforcement plan, which will utilize six patrol vessels for a total of 495 days, and it is now executing this plan. Up to now, no illegal activities by Japanese fishing vessels have been reported during the 1993 fishing season."

30. In its response of 1 July 1993 to the Secretary-General, Ecuador indicated that it had taken the following steps to prevent large-scale pelagic drift-net fishing:

"(a) By means of Agreement No. 096, published in the Official Record of 25 June 1992, the entry into Ecuador of fishing vessels flying foreign flags equipped with gear consisting of trawls and/or drift-nets was prohibited, unless dock services are required for repairs or in case of unscheduled port calls or innocent passage;

"(b) Agreement No. 016, published in the Official Record Supplement of 13 November 1992, provides that leased or jointly owned vessels may not use in their catches fishing gear consisting of trawls and/or drift-nets or such other gear as may subsequently be established by the competent bodies;

"(c) Furthermore, in accordance with articles 25 and 47 of the Fishing and Fishery Development Act and Agreement No. 016 mentioned in the previous paragraph, the Government of Ecuador has not granted and will not grant licences to any domestic or foreign vessels to engage in high-seas gill-net/drift-net fishing."

31. The United States made the following submission dated August 1993:

"With regard to activities or conduct inconsistent with the terms of resolution 46/215, the United States Coast Guard monitors high-seas fishing activity in support of resolution 46/215. Enforcement efforts in 1993 have included United States Coast Guard aircraft sorties and cutter patrols in areas of former large-scale high-seas drift-net fishing activity.

"To date in 1993, the United States Coast Guard has detected four vessels on the high seas of the western North Pacific Ocean equipped for large-scale drift-net fishing operations. One vessel was observed retrieving drift-nets with fish on deck and another vessel was observed with uncovered drift-nets on deck. Three of the vessels were either currently or formerly registered in the People's Republic of China. Upon consultation with the People's Republic of China, officers of the United States Coast Guard boarded and inspected the vessels. Approximately 10, 14 and 30 nautical miles of drift-nets were on board the respective vessels. No fish, fish product or cargo was on board. Two of the vessels were instructed to return to port and the Coast Guard escorted the third vessel back to the People's Republic of China. The United States has provided to the People's Republic of China evidence packages, including photographs, video tape and written accounts, of the boarding and inspections of the vessels for use in further investigating and prosecuting these cases, and to ensure that other fishing vessels do not engage in large-scale pelagic drift-net fishing on the high seas. The fourth vessel, registered in Honduras, left the immediate area before the United States Coast Guard was able to board it. The United States appreciates the cooperation of the Governments of the People's Republic of China and Honduras in this regard.

"The United States Coast Guard was able to detect, board and inspect the fishing vessels suspected of conducting activities inconsistent with the global moratorium with the cooperation of the flag State and other concerned Governments. The United States Coast Guard enforcement operations in the North Pacific Ocean have been coordinated in a cooperative effort with enforcement officials of Canada, Japan and the Russian Federation."

32. In its reply of 9 July 1993 to the Secretary-General, New Zealand submitted the following information:

"New Zealand welcomes the opportunity to submit information to the Secretary-General on the implementation of resolution 46/215 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, in keeping with General Assembly decision 47/443. As a sponsor of resolutions 44/225, 45/197 and 46/215, and as the depositary of the Convention for the Prohibition of Fishing with

Long Drift-nets in the South Pacific (the Wellington Convention), New Zealand attaches great importance to the full implementation of the global moratorium on all large-scale pelagic drift-net fishing.

"New Zealand is pleased to report that there has been no drift-net activity within areas under its jurisdiction over the past twelve months. Nor are we aware of any reports of drift-net fishing activities in the broader Wellington Convention area.

"We note that the Forum Fisheries Agency has confirmed that it has received no reports of large-scale drift-net fishing in the South Pacific region over the past year. New Zealand is however aware of allegations of drift-net fishing activity in other high-seas areas, such as the Bering Sea and the South Atlantic. New Zealand wishes to express its strong concern about such reports and to urge all members of the international community to take all necessary steps to ensure that their nationals or interests comply fully with the global moratorium. If rogue activity proves to be a significant problem there may be a need for the international community to consider how best to handle it.

"New Zealand also wishes to express its support for international efforts to ensure the practice of reflagging drift-net fishing vessels does not become a method of restricting the effectiveness of efforts to prevent the practice of fishing with long drift-nets.

"New Zealand reiterates its call for all countries eligible to do so to support fully the Wellington Convention. The number of parties to the Convention has grown to eight. There are seven signatories to the Convention who have not yet ratified."

33. In its reply of 5 August 1993 to the Secretary-General, Australia submitted the following information:

"Australia welcomes the opportunity to comment in response to decision 47/443 and operative paragraphs 3 (c), 5 and 6 of resolution 46/215 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas.

"Australia remains firmly opposed to large-scale drift-net fishing on the high seas and will continue to press in all relevant fora for the continued full and effective implementation of operative paragraph 3 of resolution 46/215. We believe that large-scale drift-net fishing causes unacceptable waste and environmental damage, and that it should be replaced with selective and responsible fishing methods which lend themselves to sustainable fisheries management practices.

"Australia acknowledges the efforts made by those distant water fishing interests which have changed their fishing operations so as to cease large-scale fishing on the high seas in accordance with operative paragraph 3 of resolution 46/215.

"The Secretary-General has requested information concerning activities or conduct inconsistent with the terms of the above-mentioned resolution.

"On the high seas adjacent to Australia's east coast, no drift-net fishing activity has been reported to Australian authorities since the agreed cessation in the South Pacific came into effect in July 1991. Similarly, we have no confirmed reports of drift-net fishing activity to our west since the date set by relevant provisions of resolution 46/215.

"None the less, we remain concerned that drift-net fishing may be continuing in areas where the institutional framework may not be adequate to identify or deal with the practice, such as in the relatively remote waters of the southern Indian Ocean. Continued drift-net fishing there would pose a serious threat to marine resources in the region, including bluefin tuna and albacore tuna, and would have adverse impacts upon sustainable fisheries for both species using more environmentally responsible fishing methods.

"In order that the implementation of resolution 46/215 can be monitored properly, Australia requests the Secretary-General to seek detailed information from the relevant fishing nations on the nature and effectiveness of measures they have employed to ensure implementation of the resolution, including fleet reduction schemes and inspection and enforcement measures.

"The practice of reflagging to avoid legitimate management controls is emerging as a serious problem in a number of high-seas fisheries around the world. It confounds conservation and management regimes for a number of high-seas fisheries, and has the potential to undermine the effective implementation of resolution 46/215. Countries whose vessels have been involved in drift-net fishing on the high seas should take measures to discourage reflagging practices as a means of continuing drift-net operations under other flags.

"Australia again would urge all States which are eligible to become parties to the Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention) or one or both of its Protocols to do so, in support of the strong regional initiative which the Convention and its Protocols represents, and also to confirm their commitment to full implementation of resolutions 44/225 and 46/215 in the South Pacific.

"In conclusion, Australia reiterates its full support for the provisions of resolution 46/215, and for the efforts taken by those fishing nations abiding by the terms of this resolution. Australia calls on all members of the international community to cooperate in ensuring that the practice of large-scale drift-net fishing does not occur on the high seas."

34. In its reply of 20 September 1993, the People's Republic of China submitted the following information to the Secretary-General:

"1. Domestic measures taken by the Government of the People's Republic of China to implement the resolutions on pelagic drift-net fishing adopted by the General Assembly:

"In the wake of the adoption by the General Assembly of resolution 44/225 on 22 December 1989, the Ministry of Agriculture of the People's Republic of China formally promulgated the said resolution on 10 November 1990, requesting the local governments and fishing companies of the People's Republic of China to comply with its provisions. The Ministry also decided that it would approve no more applications for large-scale drift-net fishing on the high seas. The Ministry also asked the six fishing boats that had already acquired permission for drift-net fishing on the high seas to stop using large pelagic drift-nets at the appointed time in accordance with the provisions of resolution 44/225.

"On 13 February 1993, the Ministry of Agriculture promulgated a regulation prohibiting large-scale drift-net fishing on the high seas, of which the local governments and fishing companies in China were notified. The regulation reiterated the Chinese Government's decision to ban large-scale drift-net fishing on the high seas by any vessels registered in China. Vessels that violate this regulation would be penalized by:

"(a) Bringing to account by administrative means the chief executives of the entities owning the vessels;

"(b) Confiscating the catch, fishing gear and related income and imposing a fine;

"(c) Detaining or revoking the licence of the fishermen.

"2. Measures that have been or are to be taken against delinquent vessels.

"In May 1993, two longlining fishing vessels (Yingyu 601 and 602) registered in China, in violation of the relevant provisions of resolution 46/215 and the relevant regulations of the Chinese Government, installed large drift-net fishing gear and operated with them on the high seas of the North Pacific. In the same month, another vessel (Dayuanyu 206), whose registration had been repealed by the Government of the People's Republic of China and has become stateless, sailed on the high seas of the North Pacific with large drift-nets, flying illegally the flag of the People's Republic of China. The above-mentioned three ships were discovered and inspected in the North Pacific and are now detained at a port in China.

"The Ministry of Agriculture has decided to punish these three ships according to the current Chinese domestic regulations by:

"(a) For Yingyu 601 and 602:

"(i) Confiscating all the drift-net fishing gear and imposing a fine of Y 50,000 on each vessel;

"(ii) Repealing the relevant licences upon completion of due investigations; and

"(iii) Publicizing nationwide the above awards.

"(b) For Dayuanyu 206:

"(i) Confiscating all its fishing gear;

"(ii) Fining Y 110,000.

"In view of the fact that there continue to be violations by the Chinese vessels against United Nations General Assembly resolution 46/215 and the regulations of the Chinese Government prohibiting the use of large-scale pelagic drift-net fishing on the high seas, the Ministry of Agriculture of the People's Republic of China has started to formulate even more stringent penalization measures.

"3. International cooperation carried out by the Government of the People's Republic of China in implementing resolution 46/215:

"In obtaining evidence of the violations by the above-mentioned three ships, the Chinese Government responded promptly and positively to the requests by the Government of the United States of America relating to on-board inspection and navigation control. The Chinese Government appreciates the efforts made by the United States Government for the implementation of resolution 46/215.

"In order to cooperate more effectively in implementing resolution 46/215, the Government of the People's Republic of China and the Government of the United States of America are planning to sign a memorandum of understanding and the two sides have reached agreement on its draft. Once this memorandum goes into effect, China and the United States will cooperate on the high seas of the North Pacific and conduct joint on-board inspections of the vessels of the two countries."

B. Atlantic Ocean

35. The United States made the following submission dated August 1993:

"As a principal co-sponsor of General Assembly resolution 46/215, as well as resolutions 44/225 (1989) and 45/197 (1990), the United States takes a particular interest in the effective and full implementation of a

global moratorium on all large-scale pelagic drift-net fishing on the high seas in the light of the adverse impact drift-net fishing has upon the world's living marine resources.

"The United States reported in detail in its submission in August 1991 to the United Nations Office of Ocean Affairs and the Law of the Sea that the best available scientific evidence demonstrates the wastefulness and potential ecosystem-scale negative impact of large-scale pelagic drift-net fishing. The United States believes it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing, and by its resolution 46/215, called upon all members of the international community to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

"The United States has taken measures individually and collectively to prevent large-scale pelagic drift-net fishing operations on the high seas, and has called upon all members of the international community to implement and comply with resolution 46/215. The United States has urged all members of the international community, intergovernmental organizations, non-governmental organizations, and well-established scientific institutions with expertise in relation to living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215.

"For its part, the United States has taken a number of steps to implement resolutions 44/225, 45/197 and 46/215, including the following:

> "(a) Since 1990, it has been unlawful for any United States national or fishing vessel to engage in large-scale drift-net fishing within the jurisdiction of the United States as well as beyond the exclusive economic zone of any nation;
>
> "(b) In November 1990, the United States enacted the Drift-net Act Amendments of 1990, which, among other things, declared it to be the policy of the Congress that the United States should implement the moratorium called for by resolution 44/225, support the Tarawa Declaration and the Wellington Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific, and secure a permanent ban on the use of destructive fishing practices, in particular large-scale drift-nets, by persons or vessels fishing beyond the exclusive economic zone of any nation;
>
> "(c) The High Seas Drift-net Fisheries Enforcement Act, enacted in November 1992, made it the stated policy of the United States to, among other things, implement resolution 46/215, and secure a permanent ban on the use of destructive fishing practices, in particular large-scale drift-nets, by persons or vessels fishing beyond the exclusive economic zone of any nation. Additionally, the Act provides for the denial of port privileges for any large-scale drift-net fishing vessel and sanctions for any nation whose nationals or vessels conduct large-scale drift-net fishing beyond the exclusive economic zone of any nation, including a prohibition on the

importation into the United States of fish and fish products and sport fishing equipment;

"(d) On 8 March 1993, the United States announced plans to promote observance of the global moratorium on large-scale pelagic drift-net fishing on the high seas, including steps the United States intends to take in the event United States enforcement authorities have reasonable grounds to believe that any foreign flag vessel encountered on the high seas is conducting, or has conducted, large-scale pelagic drift-net fishing operations inconsistent with resolution 46/215. These steps include:

"(i) United States authorities will contact the authorities of the territory whose flag the vessel is flying to seek confirmation that the vessel is in fact registered by those authorities. If the vessel is not flying a flag, United States authorities will contact the authorities of the territory in which the vessel claims to be registered to seek confirmation of the same information. The United States Government will expect a prompt response to such a request to facilitate enforcement operations;

"(ii) If the contacted authorities verify that the vessel in question is registered in their territory, United States authorities will take appropriate action in accordance with agreements in force between the United States and those authorities or any other bilateral or multilateral arrangements that may be made to prevent large-scale pelagic drift-net fishing operations on the high seas inconsistent with the United Nations resolution. If there are no pre-existing arrangements, the United States will seek a special arrangement to take law enforcement, or other appropriate action, on behalf of the authorities in whose territory the vessel is registered;

"(iii) If the contacted authorities deny that the vessel in question is registered in their territory, or if the vessel refuses to reveal or claim a territory of registry, United States authorities will, consistent with article 92 of the 1982 United Nations Convention on the Law of the Sea, treat the vessel as stateless. It is noted that, under customary international law and United States law, a stateless vessel conducting large-scale pelagic drift-net fishing operations on the high seas would be subject to penalty in the United States.

"The United States remains vigilant in its efforts to implement resolution 46/215. The United States is not aware of any new fisheries which have been developed by nations that conduct, or authorize their nationals to conduct, large-scale pelagic drift-net fishing beyond the exclusive economic zone of any nation. Furthermore, the United States is not aware of any nations that conduct, or authorize their nationals to conduct, large-scale drift-net fishing on the high seas inconsistent with the resolution. The United States remains concerned, however, that, in some circumstances, individual vessel owners may seek to frustrate the

resolution. The United States is aware of reports of alleged large-scale drift-net fishing in the Mediterranean Sea, the South Atlantic Ocean, and possibly the Indian Ocean, and has undertaken efforts to investigate fully such reports.

"The United States continues to encourage all members of the international community to take appropriate measures to prohibit their nationals and fishing vessels from undertaking any activity contrary to resolution 46/215, and to impose appropriate penalties against any that may undertake such activities. If national action is ineffective, it may prove necessary to seek additional information and assurances from the authorities concerned."

36. In its reply of 21 April 1993, Iceland notified the Secretary-General that no Icelandic vessels had engaged in drift-net fishing on the high seas in recent years.

37. Venezuela, in its submission of 28 April 1993, informed the Secretary-General that the Government of Venezuela welcomed the establishment of the moratorium on large-scale drift-net fishing. Accordingly, the Ministry of Agriculture and Livestock issued resolution MAC-DGSPA No. 246 of 14 August 1991 (Official Gazette No. 34,777 of 15 August 1991) banning the use of this kind of net, both in national and international waters, by Venezuelan fishing vessels or by foreign vessels leased, chartered or otherwise associated with national companies. The provisions of the resolution prohibit the use of drift-nets exceeding a length of 1,500 metres in national jurisdictional or international waters.

38. It has been reported that a vessel registered in Panama but originating from Portugal was alleged to have been using large-scale "drift/gill-netting" in the Atlantic Ocean about 500 miles off the South African coast. Conservation groups planned to contact the representatives to the United Nations of the two countries involved to request an immediate cessation of the "large-scale gill-net fishing" of the vessel. 2/

39. In its response of 14 June 1993, Guyana stated that it was committed to implementing General Assembly resolution 46/215. At present there was no such authorized fishing occurring in Guyana's fishing zone and in concluding any fishing agreement with foreign countries, pelagic drift-net fishing would not be permitted. Guyana would also support any initiatives of the Caribbean Community (CARICOM) to prevent the use of pelagic drift-net fishing in the Caribbean Sea.

40. In its submission of 23 June 1993 to the Secretary-General, Namibia reiterated its strong support for all actions and measures prohibiting the use of large-scale pelagic drift-nets. For this reason, Namibia's Sea Fisheries Act of 29 June 1992 specifically prohibited the use of drift-nets longer than 2.5 km.

41. In its response of 24 June 1993 to the Secretary-General, Chad indicated that, owing to its geographical situation, fishing organizations of Chadian nationality were not in a position to exercise high-seas fishing activities.

42. It its reply of 23 June 1993 to the Secretary-General, South Africa submitted the following information:

> "In terms of the provisions of the Sea Fisheries Act, 1988 (Act No. 12 of 1988, as amended) the following regulations are relevant to the use of gill-nets:
>
> > "Regulation 11.
> >
> > "Subject to the provisions of these regulations, no person shall
> >
> > "(e) Have on board, land or transship in any port or fishing harbour in the Republic any tuna which has been caught by means of a gill-net.
> >
> > "Regulation 32.
> >
> > "Subject to the provisions of the Act, no person shall
> >
> > "(a) Have or use any midwater trawl-net, bottom trawl-net, purse-seine, crustacean trawl-net, gill-net, beam trawl-net or any longline on board any fishing boat or vessel, unless he is the holder of a permit issued by the Director-General and subject to the payment of the fee as prescribed.
>
> "In comparison with the earlier control measures, these new regulations are indicative of a hardening of South Africa's attitude vis-à-vis gill-netting.
>
> "In accordance with South African fishing policy no permits are issued for the use of gill-nets.
>
> "In terms of current bilateral agreements the fishing vessels of two foreign nations are allowed to deploy a limited number of vessels for tuna longlining within South Africa's 200 n.m. fishing zone. In the permit issued to these vessels the carrying of any net or netting is prohibited and only the use of longlines authorized.
>
> "South Africa's law enforcement arm has been keeping a close watch on the activities of its own nationals and of foreign vessels. During 1992 a total of three foreign fishing vessels were caught in possession of gill-nets. Charges were laid and fines totalling R 46.300 were imposed. Apart from one net which could not be positively identified as a gill-net and which was returned to the owner by an order of the court, all other nets were confiscated and destroyed."

43. It has been reported that the Ninna II, a vessel registered in Honduras with a Danish captain on board, was fined R 10.000 and had all his 43 kms of net confiscated by the South African authorities. 3/

C. Baltic Sea

44. In its submission of 24 May 1993, Poland informed the Secretary-General that Poland did not employ large-scale drift-net fishing technology in the oceans.

D. Indian Ocean

45. In its response of 19 April 1993, Singapore informed the Secretary-General that Singapore did not engage in any large-scale pelagic drift-net fishing and it would continue to offer its fullest support in the implementation of resolution 46/215.

46. In its submission of 21 April 1993 to the Secretary-General, Oman indicated that, on the basis of recent studies which established the danger of this type of fishing on fishery resources, Oman was of the view that drift-net fishing should be restricted and replaced with other methods, such as:

(a) The use of material other than nylon in the manufacture of nets, and that such material should be biodegradable;

(b) The nets should not exceed 3 kilometres in length;

(c) Such nets should only be used in international waters.

47. In its reply of 18 May 1993, the United Arab Emirates notified the Secretary-General that the United Arab Emirates was fully committed to the implementation of General Assembly resolution 46/215 of 20 December 1991.

48. In its response of 22 June 1993 to the Secretary-General, Maldives stated that the measures contained in General Assembly resolution 46/215 were being implemented in Maldives through the Regulations for Issuing the Licence to Fish in the Exclusive Economic Zone of the Republic of Maldives, established under the Fisheries Law of Maldives.

E. The Mediterranean

49. In its reply of 26 May 1993, Ukraine, a riparian State of the Black Sea, notified the Secretary-General that Ukraine was fully implementing General Assembly resolution 46/215 and "strictly observes the global moratorium on all large-scale pelagic drift-net fishing operations on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas".

50. In its submission of 3 June 1993, Tunisia informed the Secretary-General that the Tunisian fishing fleet, especially units engaged in pelagic fishing, do not use large-scale drift-nets. In addition, it stated that reports prepared by the maritime monitoring inspectors had not mentioned any activity inconsistent with the terms of resolution 46/215.

Notes

1/ Article 9 bis of Council Regulation (EEC) No. 3094/86, as amended by (EEC) No. 345/92 (see Official Journal of the European Communities, L.42 of 18 February 1992) reads as follows:

"1. No vessel may keep on board, or use for fishing, one or more drift-nets whose individual or total length is more than 2.5 kilometres.

"2. A derogation shall be granted until 31 December 1993 to vessels that have fished for long-finned albacore tuna with drift-nets in the North-East Atlantic during at least the two years immediately preceding the entry into force of this Regulation. These vessels shall be entered in a Community register and may use drift-nets whose length may attain 2.5 kilometres, but whose total resulting length may not exceed 5 kilometres. The headline shall be submerged at a minimum depth of two metres. This derogation shall expire on the above-mentioned date, unless the Council, acting by a qualified majority on a proposal from the Commission, decides to extend it in the light of scientific evidence showing the absence of any ecological risk linked thereto.

"3. Throughout the fishing referred to in paragraph 1, the net must, if it is longer than one kilometre, remain attached to the vessel. However, within the 12-mile coastal band, a vessel may detach itself from the net, provided it keeps it under constant observation.

"4. Notwithstanding Article 1 (1), this Article shall apply in all waters, with the exception of the Baltic Sea, the Belts and the Sound under the sovereignty or jurisdiction of the Member States and outside those waters, to all fishing vessels flying the flag of a Member State or registered in a Member State."

2/ Submission of National Audubon Society dated 6 May 1993.

3/ Information submitted by National Audubon Society received on 9 July 1993.